

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: August 17, 2006 Name: Heidi A. Dare, Reg. No. 50,775

Signature:

Heidi A. Dare

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Christof Westenfelder

Appln. No.: 10/551,317

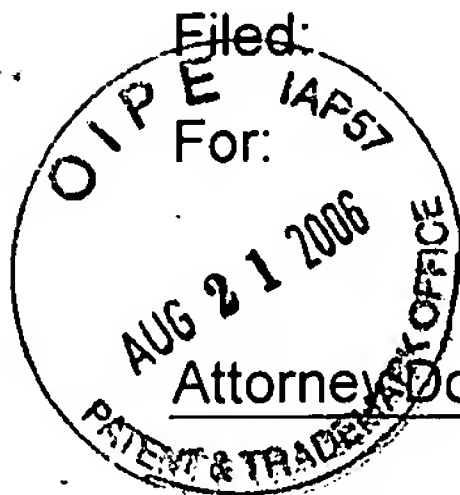
Filed: September 29, 2005

For: Stem- Cell, Precursor Cell, or Target Cell-
Based Treatment of Multiorgan Failure and
Renal Dysfunction

Attorney Docket No: 10402-26

Examiner: To Be Assigned

Art Unit: To Be Assigned



Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Checks for \$60.00 and \$65.00; Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (in duplicate); copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); Petition and Fee for Extension of Time (37 CFR § 1.136(a)) (in duplicate); Declaration

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☒ Small Entity.

☒ An extension fee in an amount of \$60.00 for a one-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$25= | | | x \$50= | |
| Indep. | | Minus | | | x 100= | | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$180= | | | +\$360= | |
| | | | | | Total | \$ | | Total | \$0 |

Fee payment:

☒ Checks in the amounts of \$65.00 for the Declaration Surcharge and \$60.00 for a one-month extension of time are enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

08/24/2006 MKAYPAGH 00000053 10551317

01 FC:2617

65.00 OP

August 17, 2006

Date

Respectfully submitted,

Heidi A. Dare

Heidi A. Dare (Reg. No. 50,775)



I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop Missing Parts; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

on August 17, 2006

Date of Deposit

Heidi A. Dare, Reg. No. 50,775

Name of applicant, assignee or
Registered Representative

Heidi A. Dare

Signature

August 17, 2006

Date of Signature

Case No. 10402-26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Christof Westenfelder

Appln. No.: 10/551,317

Filed: September 29, 2005

For: Stem- Cell, Precursor Cell, or Target
Cell-Based Treatment of Multiorgan
Failure and Renal Dysfunction

Attorney Docket No: 10402-26

Examiner: To Be Assigned

Art Unit: To Be Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated August 16, 2006, a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Patent Application for the above-referenced patent application.

- ☒ Applicant:
- ☒ claims small entity status. See 37 CFR1.27.
- ☐ is other than small entity.
- ☒ Checks totaling \$125.00 for:
- ☐ Filing Fee of \$____.
- ☒ Surcharge of \$65.00.
- ☐ Additional Claim Fees of \$____.
- ☐ Search Fee of \$____.
- ☐ Examination Fee of \$____.
- ☒ Petition for Extension of Time fee of \$60.00 for one month.
- ☒ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing requirements (in duplicate).
- ☐ Other: _____.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: August 17, 2006

Heidi A. Dare

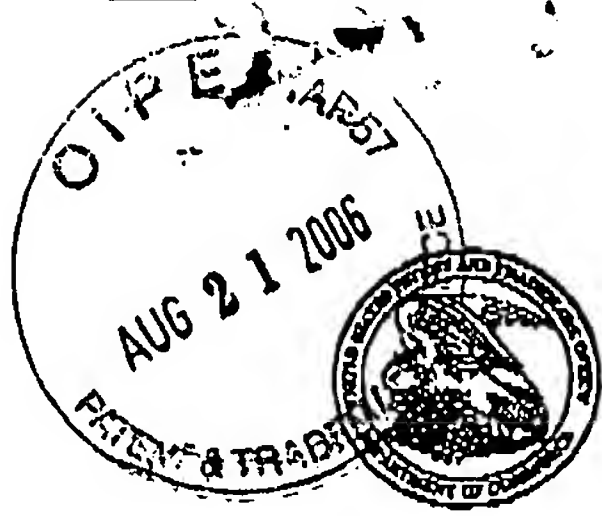
Heidi A. Dare
Registration No. 50,775
Attorney for Applicant

08/24/2006 MKAYPASH 00000063 10551317

02 FC:2251

60.00 0P

BRINKS HOFER GILSON & LIONE
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(312)321-4200



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1430
 Alexandria, Virginia 22313-1430
 www.uspto.gov

| | | |
|---|--|------------------------------|
| U.S. APPLICATION NUMBER NO. 10/551,317 | FIRST NAMED APPLICANT Christof Westenfelder | ATTY. DOCKET NO. 10402-26 |
| INTERNATIONAL APPLICATION NO. PCT/US04/09922 | | |
| I.A. FILING DATE 03/31/2004 | PRIORITY DATE 04/01/2003 | |

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 BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, IL 60610

CONFIRMATION NO. 6531

371 FORMALITIES LETTER

OC000000020057686

Date Mailed: 08/16/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/29/2005
- Copy of the International Search Report filed on 09/29/2005
- Preliminary Amendments filed on 09/29/2005
- Small Entity Statement filed on 09/29/2005
- Request for Immediate Examination filed on 09/29/2005
- U.S. Basic National Fees filed on 09/29/2005
- Priority Documents filed on 09/29/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/551,317 | PCT/US04/09922 | 10402-26 |

FORM PCT/DO/EO/905 (371 Formalities Notice)